

In re Saavedra et al.
Serial No. 08/837,812

or more of said amino group or said carboxyl group through said organic moiety X.

27. (Amended) A method of treating a biological disorder in a mammal in which dosage with nitric oxide is therapeutic, comprising administering to said mammal a polymeric composition capable of releasing nitric oxide, said composition comprising a biopolymeric backbone wherein said backbone is of a protein, wherein said backbone includes at least one amino group or at least one carboxyl group or combinations thereof, and a nitric oxide-releasing N_2O_2^- functional group bound to said biopolymer at one or more of said amino group or said carboxyl group in an amount sufficient to release a therapeutically effective amount of nitric oxide.

Please add claim 39 as follows:

39. (New) A method of treating a biological disorder in a mammal in which dosage with nitric oxide is therapeutic, comprising administering to said mammal the polymeric composition of claim 1 in an amount sufficient to release a therapeutically effective amount of nitric oxide.

REMARKS

Applicants wish to thank the Examiner for the courtesy of the telephonic interview of January 11, 2000, and for the interview summary record.

While applicants expressly disagree with the rejection of the pending claims under 35 U.S.C. §112, paragraph 1, applicants have amended the claims solely in order to expedite prosecution of the application. Accordingly, the pending claims have been amended to delete oligonucleotides and nucleic acids, and to more particularly define the structural features of the remaining antibodies and the like which lend themselves to chemical modification to form the desired diazeniumdiolates. These amendments are fully supported by the application, such as in Examples I-V of the specification. Additionally, support

In re Saavedra et al.
Serial No. 08/837,812

for the term -- or tissue selective -- is found at, for example, p. 8, lines 14-16, "...of an antibody specific to the target tissue," p. 15, lines 19-29, discussing "cell attachment site peptide recognition sequences...", "polypeptides for which there are high-affinity cell surface receptor sites...", and "Such molecules, upon receptor binding, may be internalized into target cells..." Claim 39 is supported by the specification, such as, for example, at p. 7, lines 21-26, and p. 22, lines 10-20. Accordingly, applicants submit that the amended claims are allowable .

The pending claims also stand rejected under §103(a) as being unpatentable over *Stamler, et al.* This rejection is respectfully traversed.

Stamler, et al. is directed to the S-nitrosylation of proteins with nitric oxide to form S-nitroso proteins. *Stamler, et al.* does not disclose, teach or suggest diazeniumdiolates as claimed. Accordingly, the biopolymeric diazeniumdiolates claimed by applicants are patentable.

Conclusion

The application is considered in good and proper form for Allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, please call the undersigned attorney.

Respectfully submitted,



Bruce M. Gagala, Reg. No. 28,844
One of the Attorneys for Applicants
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: February 17, 2000

In re Saavedra et al.
Serial No. 08/837,812

CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231.

Date: February 17, 2010



M:\Doc\PAT\AMD\61192oa2.doc